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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STANLEY F. FROMPOVICZ, JR., CAROL  
FROMPOVICZ, t/a FAR AWAY SPRINGS,  
Plaintiffs

NO. 1:CV00-1750

v.

UNION TOWNSHIP, UNION TOWNSHIP  
BOARD OF SUPERVISORS, SUPERVISOR  
BARRY L. SWANGER, SUPERVISOR  
KENNETH A. KINDT, SUPERVISOR  
DAVID A. CARBAUGH, ZONING OFFICER  
DONALD TSHUDY, ZONING OFFICER  
WILSON JONES, and DAVID MILLER/  
ASSOCIATES, INC.,

Defendants

JURY TRIAL DEMANDED

MOTION FOR EXTENSION OF TIME TO  
ANSWER OR OTHERWISE PLEAD TO PLAINTIFFS' COMPLAINT

Defendants, Union Township, Union Township Board of Supervisors, Supervisor Barry L. Swanger, Supervisor Kenneth A. Kindt, Supervisor David A. Carbaugh, Zoning Officer Donald Tshudy, and Zoning Officer Wilson Jones, by and through their authorized counsel, Lavery, Faherty, Young & Patterson, P.C., hereby file this motion to extend time to answer or otherwise plead to Plaintiffs' Complaint and states in support as follows:

1. This is a civil rights matter brought under 42 U.S.C. §1983 arising out of a land use and zoning dispute.
2. Acceptances of service were made by the Union Township Defendants on November 8, 2000 and November 9, 2000, making the earliest response to Plaintiffs' Complaint due on or before November 28, 2000. Undersigned counsel was just recently

retained to represent the Union Township Defendants and is in need of additional time to review this matter, consult with his clients, and file the appropriate response to Plaintiffs' Complaint.

3. The requested period of 20 days is of short duration and will not prejudice any parties' substantive rights in this matter.

4. Plaintiffs' counsel, Teri Himebaugh, has been contacted and Ms. Himebaugh concurs in the requested extension.

WHEREFORE, Defendants, Union Township, Union Township Board of Supervisors, Supervisor Barry L. Swanger, Supervisor Kenneth A. Kindt, Supervisor David A. Carbaugh, Zoning Officer Donald Tshudy, and Zoning Officer Wilson Jones, respectfully request that this Court grant them a 20-day extension of time to answer or otherwise plead to the averments of Plaintiffs' Complaint.

Respectfully submitted,

LAVERY, FAHERTY,  
YOUNG & PATTERSON, P.C.

Date:

11/22/00

By:



Frank J. Lavery, Jr., Esquire  
Attorney I.D. #42370  
P.O. Box 1245  
Harrisburg, PA 17108-1245  
(717) 233-6633

Attorney for Defendants  
Union Township, Union Township Board  
of Supervisors, Supervisor Barry L. Swanger,  
Supervisor Kenneth A. Kindt, Supervisor David A.  
Carbaugh, Zoning Officer Donald Tshudy, and  
Zoning Officer Wilson Jones

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STANLEY F. FROMPOVICZ, JR., CAROL	:	
FROMPOVICZ, t/a FAR AWAY SPRINGS,	:	NO. 1:CV00-1750
Plaintiffs	:	
	:	
v.	:	
	:	
UNION TOWNSHIP, UNION TOWNSHIP	:	
BOARD OF SUPERVISORS, SUPERVISOR	:	
BARRY L. SWANGER, SUPERVISOR	:	JURY TRIAL DEMANDED
KENNETH A. KINDT, SUPERVISOR	:	
DAVID A CARBAUGH, ZONING OFFICER	:	
DONALD TSHUDY, ZONING OFFICER	:	
WILSON JONES, and DAVID MILLER/	:	
ASSOCIATES, INC.,	:	
Defendants	:	

CERTIFICATE OF CONCURRENCE

I, Frank J. Lavery, Jr., Esquire, hereby certify that I am counsel for Defendants, Union Township, Union Township Board of Supervisors, Supervisor Barry L. Swanger, Supervisor Kenneth A. Kindt, Supervisor David A. Carbaugh, Zoning Officer Donald Tshudy, and Zoning Officer Wilson Jones, and that I have contacted Plaintiffs' counsel, Teri Himebaugh, concerning the within motion and that Ms. Himebaugh concurs with the extension requested.

Respectfully submitted,

LAVERY, FAHERTY,  
YOUNG & PATTERSON, P.C.

Date: 11/22/00

By: \_\_\_\_\_

Frank J. Lavery, Jr. Esquire

Attorney I.D. #42370

P.O. Box 1245

Harrisburg, PA 17108-1245/(717) 233-6633

Attorney for Defendants: Union Township, Union Township Board of Supervisors, Supervisor Barry L. Swanger, Supervisor Kenneth A. Kindt, Supervisor David A. Carbaugh, Zoning Officer Donald Tshudy, and Zoning Officer Wilson Jones

CERTIFICATE OF SERVICE

I, Kelly Ann Guyer, an employee of the law firm of Lavery, Faherty, Young & Patterson, P.C., do hereby certify that on this 22<sup>nd</sup> day of November, 2000, I served a true and correct copy of the foregoing MOTION FOR EXTENSION OF TIME via U.S. First Class mail, postage prepaid, addressed as follows:

Teri B. Himebaugh, Esquire  
220 Stallion Lane  
Schwenksville, PA 19473

  
\_\_\_\_\_  
Kelly Ann Guyer